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EXAMINER	
DEBROW, JAMES J	

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/764,835	NGUYEN, JULIEN T.	
	Examiner	Art Unit	
	James J. Debrow	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ___ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 April 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *61-78* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *61-78* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Application filed on 27 April 2006

2. Claims 61-78 are pending in the case. Claims 61, and 70 are independent claims.

Applicant's Response

3. In Applicant's response dated 27 April 2006, Applicant amended Claims 61 and 70; argued against all objections and rejection previously set forth in previous Office Action.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 61, 62, and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maurille (Patent No.: 6,484,196 B1; Filing Date: Mar. 20, 1998) in view of Skelly (Patent No.: 6,064,383; Filing Date: Oct. 4, 1996).

In regard to independent claim 61, Maurille discloses *a method, comprising the steps of:*

receiving a set of sequences of keystrokes, mouse actions, or keystrokes and mouse actions (col. 2, lines 23-45; Maurille discloses Instant Messaging systems allow users to communicate privately in real time over a network connections. Maurille further disclose Chat systems allow a group of users to enter a chat room and engage in a group conservation. It has been established and is well known in the art that communications is established among users within Instant Messaging system and Chat system by the system *receiving a set of sequences of keystrokes, mouse actions, or keystrokes and mouse actions.*).

Maurille does not disclose *detecting whether a mnemonic name is present in said sequences of keystrokes, mouse actions, or keystrokes and mouse actions, said mnemonic name being associated with one of a set of multimedia objects;*

when said mnemonic name is detected in said set of sequences, replacing said mnemonic name with said multimedia object in said set of sequences;

wherein said set of multimedia objects are associated with an ensemble, said ensemble having a set of ensemble properties.

However, Skelly teaches *detecting whether a mnemonic name is present in said sequences of keystrokes, mouse actions, or keystrokes and mouse actions, said mnemonic name being associated with one of a set of multimedia objects* (col. 1, line 43-65; Skelly teaches the system searches the input text for emoticons, which are a series of characters that represent emotions. Skelly further teaches the system searches the input text to identify acronyms that may provide clues for the desired appearance for the character.).

when said mnemonic name is detected in said set of sequences, replacing said mnemonic name with said multimedia object in said set of sequences (col. 1, line 53-65; Skelly teaches the maintains a list of emotions, along with associated gestures and expressions, and acronyms. Upon finding an emotion or acronym, the system generates the appearance of the emotion for the character or the acronym for display. It has been established and it well known in the art that in displaying the emotions, along with

associated gestures and expressions, and acronyms the system substitutes the appropriate emoticon for the input text.).

wherein said set of multimedia objects are associated with an ensemble, said ensemble having a set of ensemble properties (col. 1, line 53-54; col. 2, line 34-65; Skelly teaches a user interface element presents a user with a selection of possible emotions and intensities of emotions for a character that is assigned to the user.).

Therefore at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Maurille with Skelly for the benefit of displaying emoticons during instant messaging and chat room conservations.

In regard to dependent claim 62, Maurille does not expressly disclose *a method as in claim 61, wherein said ensemble properties are effective to select among a set of alternative multimedia objects for each multimedia object in said set.*

However, Skelly teaches *a method as in claim 61, wherein said ensemble properties are effective to select among a set of alternative multimedia objects for each multimedia object in said set* (col. 1, line 53-65; col. 2, line 34-65; Skelly teaches the maintains a list of emotions, along with associated gestures and expressions, and acronyms. Skelly teaches a user interface element presents a user with a selection of possible emotions and intensities of emotions for a character that is assigned to the user.).

Therefore at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Maurille with Skelly for the benefit of displaying emoticons during instant messaging and chat room conservations.

In regard to dependent claim 71, Maurille does not expressly disclose *a system as in claim 70, wherein said ensemble properties are effective to select among a set of alternative multimedia objects for each multimedia object in said set.*

However, Skelly teaches *a method as in claim 61, wherein said ensemble properties are effective to select among a set of alternative multimedia objects for each multimedia object in said set* (col. 1, line 53-65; col. 2, line 34-65; Skelly teaches the maintains a list of emotions, along with associated gestures and expressions, and acronyms. Skelly teaches a user interface element presents a user with a selection of possible emotions and intensities of emotions for a character that is assigned to the user.).

Therefore at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Maurille with Skelly for the benefit of displaying emoticons during instant messaging and chat room conservations.

6. **Claims 63-70, and 72-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maurille (Patent No.: 6,484,196 B1; Filing Date: Mar. 20, 1998) in view of Skelly (Patent No.: 6,064,383; Filing Date: Oct. 4, 1996) further in view of Liles et al. (Pat No.: 5,880,731; Filling Date Dec. 14, 1995) (hereinafter 'Liles').**

In regard to dependent claim 63, Maurille in view of Skelly does not expressly disclose *a method as in claim 61, wherein said ensemble properties include a theme, said theme being effective to select, for each multimedia object in said ensemble, one multimedia object from a set of multimedia objects associated with said theme.*

However, Liles teaches *a method as in claim 61, wherein said ensemble properties include a theme, said theme being effective to select, for each multimedia object in said ensemble, one multimedia object from a set of multimedia objects associated with said theme* (col. 1, lines 52-54; Liles teaches in a graphical chat session, all of the participants are represented by avatars or icons are grouped in a graphic environment or world.).

Therefore it would have been obvious to a person of ordinary skill in the art to combine Maurille in view of Skelly with Liles for the benefit of allowing the user the capability to select a particular theme, depending on the subject matter of the chat session (col. 6, lines 20-34).

In regard to dependent claim 64, Maurille in view of Skelly does not expressly disclose *a method as in claim 61, wherein said ensemble properties are editable in response to a set of editing abbreviations.*

However, Liles teaches *a method as in claim 61, wherein said ensemble properties are editable in response to a set of editing abbreviations* (col. 7, lines 43-65; Liles teaches each avatar presented for selection in character selection dialog box corresponds to a different bitmap file. Each bitmap file contains a predefine number of frames in which the user is free to customize by opening the bitmap file within a paint program and modifying the expressions/gestures on the avatar.).

Therefore it would have been obvious to a person of ordinary skill in the art to combine Maurille in view of Skelly with Liles for the benefit of allowing the user the capability to select a particular theme, depending on the subject matter of the chat session (col. 6, lines 20-34).

In regard to dependent claim 65, Maurille in view of Skelly disclose *a method as in claim 64, wherein each said editing abbreviation comprises a relatively short sequence of keystrokes or mouse actions* (col. 1, line 59-65; Skelly teaches upon finding LOL in the text, the system concludes that the character should be laughing and generates a laughing appearance for the character.).

Therefore at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Maurille with Skelly for the benefit of displaying emoticons during instant messaging and chat room conservations.

In regard to dependent claim 66, Maurille *discloses a method as in claim 61, further comprising the steps of: communicating at least one of said ensemble properties to a recipient with an electronic chat message or an electronic mail message* (col. 2, lines 23-45; Maurille discloses Instant Messaging systems allow users to communicate privately in real time over a network connections. Maurille further disclose Chat systems allow a group of users to enter a chat room and engage in a group conservation.).

Maurille in view of Skelly does not expressly *presenting said multimedia object to said recipient in accordance with said at least one of said ensemble properties.*

However, Liles teaches *presenting said multimedia object to said recipient in accordance with said at least one of said ensemble properties* (col. 1, lines 52-57; Liles teaches in a graphical chat session, all of the participants are represented by avatars or icons are grouped in a graphic environment or world. Liles further discloses a graphic window showing the chat world.).

Therefore it would have been obvious to a person of ordinary skill in the art to combine Maurille in view of Skelly with Liles for the benefit of allowing the user the capability to select a particular theme, depending on the subject matter of the chat session (col. 6, lines 20-34).

In regard to dependent claim 67, Maurille does not disclose *a method as in claim 66, further comprising the step of conditionally overriding at least one of said ensemble properties in response to a capability of said recipient's presentation device,*

whereby said multimedia object is presented to said recipient in accordance with a different at least one of said ensemble properties.

However, Liles teaches *a method as in claim 66, further comprising the step of conditionally overriding at least one of said ensemble properties in response to a capability of said recipient's presentation device, whereby said multimedia object is presented to said recipient in accordance with a different at least one of said ensemble properties* (col. 7, lines 43-65; Liles teaches each avatar presented for selection in character selection dialog box corresponds to a different bitmap file. Each bitmap file contains a predefine number of frames in which the user is free to customize by opening the bitmap file within a paint program and modifying the expressions/gestures on the avatar.).

Therefore it would have been obvious to a person of ordinary skill in the art to combine Maurille in view of Skelly with Liles for the benefit of allowing the user the capability to select a particular theme, depending on the subject matter of the chat session (col. 6, lines 20-34).

In regard to dependent claim 68, Maurille does not disclose *a method as in claim 66, further comprising the step of conditionally overriding at least one of said ensemble properties in response to an action by said recipient, whereby said multimedia object is presented to said recipient in accordance with a different at least one of said ensemble properties.*

However, Liles teaches *a method as in claim 66, further comprising the step of conditionally overriding at least one of said ensemble properties in response to an action by said recipient, whereby said multimedia object is presented to said recipient in accordance with a different at least one of said ensemble properties* (col. 7, lines 43-65; Liles teaches each avatar presented for selection in character selection dialog box corresponds to a different bitmap file. Each bitmap file contains a predefine number of frames in which the user is free to customize by opening the bitmap file within a paint program and modifying the expressions/gestures on the avatar.).

Therefore it would have been obvious to a person of ordinary skill in the art to combine Maurille in view of Skelly with Liles for the benefit of allowing the user the capability to select a particular theme, depending on the subject matter of the chat session (col. 6, lines 20-34).

In regard to dependent claim 69, Maurille in view of Skelly does not disclose *a method as in claim 68, wherein said action includes time taken by said recipient to review the multimedia object.*

However, Liles teaches *a method as in claim 68, wherein said action includes time taken by said recipient to review the multimedia object* (col. 7, lines 18-21; Liles teaches a preview box for previewing the selected avatar.).

Therefore it would have been obvious to a person of ordinary skill in the art to combine Maurille in view of Skelly with Liles for the benefit of allowing the user the

capability to select a particular theme, depending on the subject matter of the chat session (col. 6, lines 20-34).

In regard to independent claim 70, Maurille does not disclose *a method system, comprising:*

a database having a set of mnemonic names, each associated with at least one corresponding multimedia object (col. 1, line 53-65; Skelly teaches the maintains a list of emotions, along with associated gestures and expressions, and acronyms.).

an input device for a set of sequences of keystrokes, mouse actions, or keystrokes and mouse actions (col. 1, line 43-65; Skelly teaches the system searches the input text for emoticons, which are a series of characters that represent emotions. Skelly further teaches the system searches the input text to identify acronyms that may provide clues for the desired appearance for the character.).

a detector capable of detecting at least one of said mnemonic names in said set of sequences and of replacing said mnemonic name with at least one corresponding multimedia object in said set of sequences (col. 1, line 53-65; Skelly teaches the maintains a list of emotions, along with associated gestures and expressions, and acronyms. Upon finding an emotion or acronym, the system generates the appearance of the emotion for the character or the acronym for display. It has been established and it well known in the art that in displaying the emotions, along with associated gestures and expressions, and acronyms the system substitutes the appropriate emoticon for the input text.).

an associating mechanism capable of associating an ensemble with a set of said multimedia objects, said ensemble having a set of ensemble properties (col. 1, line 53-54; col. 2, line 34-65; Skelly teaches a user interface element presents a user with a selection of possible emotions and intensities of emotions for a character that is assigned to the user.).

Maurille in view of Skelly does not disclose *wherein each said multimedia object has a set of editable properties.*

However, Liles teaches *wherein each said multimedia object has a set of editable properties* (col. 7, lines 43-65; Liles teaches each avatar presented for selection in character selection dialog box corresponds to a different bitmap file. Each bitmap file contains a predefine number of frames in which the user is free to customize by opening the bitmap file within a paint program and modifying the expressions/gestures on the avatar.).

Therefore it would have been obvious to a person of ordinary skill in the art to combine Maurille in view of Skelly with Liles for the benefit of allowing the user the capability to select a particular theme, depending on the subject matter of the chat session (col. 6, lines 20-34).

In regard to dependent claim 72, Maurille in view of Skelly does not expressly *a system as in claim 70, wherein said ensemble properties include a theme, said theme being effective to select, for each multimedia object in said ensemble, one multimedia object from a set of multimedia objects associated with said theme.*

However, Liles teaches *a system as in claim 70, wherein said ensemble properties include a theme, said theme being effective to select, for each multimedia object in said ensemble, one multimedia object from a set of multimedia objects associated with said theme* (col. 1, lines 52-54; Liles teaches in a graphical chat session, all of the participants are represented by avatars or icons are grouped in a graphic environment or world.).

Therefore it would have been obvious to a person of ordinary skill in the art to combine Maurille in view of Skelly with Liles for the benefit of allowing the user the capability to select a particular theme, depending on the subject matter of the chat session (col. 6, lines 20-34).

In regard to dependent claim 73, Maurille in view of Skelly does not expressly disclose *a system as in claim 70, wherein said ensemble properties are editable in response to a set of editing abbreviations.*

However, Liles teaches *a system as in claim 70, wherein said ensemble properties are editable in response to a set of editing abbreviations* (col. 7, lines 43-65; Liles teaches each avatar presented for selection in character selection dialog box corresponds to a different bitmap file. Each bitmap file contains a predefine number of frames in which the user is free to customize by opening the bitmap file within a paint program and modifying the expressions/gestures on the avatar.).

Therefore it would have been obvious to a person of ordinary skill in the art to combine Maurille in view of Skelly with Liles for the benefit of allowing the user the

capability to select a particular theme, depending on the subject matter of the chat session (col. 6, lines 20-34).

In regard to dependent claim 74, Maurille in view of Skelly disclose *a system as in claim 73, wherein each said editing abbreviation comprises a relatively short sequence of keystrokes or mouse actions* (col. 1, line 59-65; Skelly teaches upon finding LOL in the text, the system concludes that the character should be laughing and generates a laughing appearance for the character.).

Therefore at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Maurille with Skelly for the benefit of displaying emoticons during instant messaging and chat room conservations.

In regard to dependent claim 75, Maurille discloses a *system as in claim 70, further comprising:*

a communicating mechanism capable of sending at least one of said ensemble properties to a recipient with an electronic chat message or an electronic mail message (col. 2, lines 23-45; Maurille discloses Instant Messaging systems allow users to communicate privately in real time over a network connections. Maurille further disclose Chat systems allow a group of users to enter a chat room and engage in a group conservation.).

Maurille in view of Skelly does not expressly *a presentation mechanism capable of presenting said multimedia objects to said recipient in accordance with said at least*

one of said ensemble properties.

However, Liles teaches *a presentation mechanism capable of presenting said multimedia objects to said recipient in accordance with said at least one of said ensemble properties* (col. 1, lines 52-57; Liles teaches in a graphical chat session, all of the participants are represented by avatars or icons are grouped in a graphic environment or world. Liles further discloses a graphic window showing the chat world.).

Therefore it would have been obvious to a person of ordinary skill in the art to combine Maurille in view of Skelly with Liles for the benefit of allowing the user the capability to select a particular theme, depending on the subject matter of the chat session (col. 6, lines 20-34).

In regard to dependent claim 76, Maurille in view of Skelly does not expressly *a system as in claim 75, further comprising a mechanism capable of conditionally overriding at least one of said ensemble properties in response to a capability of said recipient's presentation device, whereby said multimedia objects are presented to said recipient in accordance with a different at least one of said ensemble properties.*

However, Liles teaches *a system as in claim 75, further comprising a mechanism capable of conditionally overriding at least one of said ensemble properties in response to a capability of said recipient's presentation device, whereby said multimedia objects are presented to said recipient in accordance with a different at least one of said ensemble properties* (col. 7, lines 43-65; Liles teaches each avatar presented for selection in character selection dialog box corresponds to a different bitmap file. Each

bitmap file contains a predefine number of frames in which the user is free to customize by opening the bitmap file within a paint program and modifying the expressions/gestures on the avatar.).

Therefore it would have been obvious to a person of ordinary skill in the art to combine Maurille in view of Skelly with Liles for the benefit of allowing the user the capability to select a particular theme, depending on the subject matter of the chat session (col. 6, lines 20-34).

In regard to dependent claim 77, Maurille in view of Skelly does not expressly *a system as in claim 75, further comprising a mechanism capable of conditionally overriding at least one of said ensemble properties in response to an action by said recipient, whereby said multimedia objects are presented to said recipient in accordance with a different at least one of said ensemble properties.*

However, Liles teaches *a system as in claim 75, further comprising a mechanism capable of conditionally overriding at least one of said ensemble properties in response to a capability of said recipient's presentation device, whereby said multimedia objects are presented to said recipient in accordance with a different at least one of said ensemble properties* (col. 7, lines 43-65; Liles teaches each avatar presented for selection in character selection dialog box corresponds to a different bitmap file. Each bitmap file contains a predefine number of frames in which the user is free to customize by opening the bitmap file within a paint program and modifying the expressions/gestures on the avatar.).

Therefore it would have been obvious to a person of ordinary skill in the art to combine Maurille in view of Skelly with Liles for the benefit of allowing the user the capability to select a particular theme, depending on the subject matter of the chat session (col. 6, lines 20-34).

In regard to dependent claim 78, Maurille in view of Skelly does not expressly *a system as in claim 77, wherein said action comprises time taken by said recipient to review the multimedia objects.*

However, Liles teaches *a system as in claim 77, wherein said action comprises time taken by said recipient to review the multimedia objects* (col. 7, lines 18-21; Liles teaches a preview box for previewing the selected avatar.).

Therefore it would have been obvious to a person of ordinary skill in the art to combine Maurille in view of Skelly with Liles for the benefit of allowing the user the capability to select a particular theme, depending on the subject matter of the chat session (col. 6, lines 20-34).

Response to Arguments

7. Applicant's arguments, see Remarks, filed 27 April 2006, with respect to the rejection(s) of claim(s) 61-78 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Maurille, Skelly and Liles.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James J. Debrow whose telephone number is 571-272-5768. The examiner can normally be reached on 8:00-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAMES DEBROW
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ART UNIT 2176

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